



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re of Applicant )  
Shojiro Kawakami ) Art Group: 1753  
Serial No.: 09/402,112 )  
Filing Date: September 29, 1999 )  
Title: THREE-DIMENSIONAL ) Examiner: Steven H. Versteeg  
PERIODIC STRUCTURE, ITS )  
FABRICATION METHOD, AND )  
METHOD OF FABRICATION )  
FILM )

#22/C  
w.m.  
11/7/02

RESPONSE

Hon. Commissioner of Patents  
Washington, D.C. 20231

Sir:

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Responsive to the Office Action dated June 3, 2002, having a due date of September 3, 2002, which has been extended by 2 months by the contemporaneously filed Petition of Extension of Time, now having a due date of November 3, 2002, Applicant hereby submits the following Amendment.

REMARKS

Claims 5 and 6 are pending and rejected in this application.

Claims 5 and 6 are cancelled hereby; and claims 19-26 are added hereby. Applicants submit that no new matter has been added within claims 19-26.

5 Responsive to the rejection of claims 5 and 6 under 35 U.S.C. § 102(a) as being anticipated by "Fabrication of sub-micrometer 3D periodic structures composed of Si/SiO<sub>2</sub>," by Kawakami (hereinto referred to as Kawakami), Applicants have cancelled claims 5 and 6